

# Court of Appeals, State of Michigan

## ORDER

People of MI v Kurt William Hanline

Docket No. 287845

LC No. 2007-013652-FH

Jane M. Beckering  
Presiding Judge

William B. Murphy

Jane E. Markey  
Judges

---

Pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal, the Court REVERSES the circuit court's July 7, 2008 order requiring J & J Bail Bonds to forfeit \$10,000 of the \$25,000 bond it posted for defendant. "[A] surety undertakes only the obligations set forth in the bond and will not be bound by obligations imposed without the surety's consent." *Kondzer v Wayne County Sheriff*, 219 Mich App 632, 635; 558 NW2d 215 (1996). The form signed by J & J's representative (exhibit 2-E) permitted forfeiture "if all the terms and conditions on the face and on the following page are not met by the defendant." (Emphasis added.). The "following page" contained standard conditions relating to appearance, abiding by any judgment and surrendering to serve sentence, not leaving the state without court permission, and notifying the court of address or phone number changes. After those conditions, the following appears: "If the court ordered any of the following additional conditions of release on the Pretrial Release Order, they must be specified on the face of this bond. Please indicate each applicable condition by the corresponding item number." Thereafter was a list of 18 items, one of which was item 2: "Not use alcohol nor illicitly use any controlled substance." Where it says, "I will abide by the other conditions specified in items:" on the face of the bond document form signed for the district court bond by Bond Bonding "#2" appears and on the one signed by Bond Bonding Agency, it says, "no alcohol of any kind." But, on the face of the bond document that J & J's representative signed for the circuit court, no item numbers appear in that place; it is blank. So, J & J did not consent to be liable for the underlying defendant's violation of the condition prohibiting alcohol use, and the trial court incorrectly ordered forfeiture.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB 09 2009

Date

*Sandra Schultz Mengel*  
Chief Clerk